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ABSTRACT

This manual provides regulations to assist local education agencies in Georgia in planning, designing and implementing programs of compensatory education for Title I eligible children. The areas considered under program planning include: the responsibilities of local educational agencies, allocation and reallocation of funds, accounting of fiscal records, the selection of eligible attendance areas, and the steps to be included in a needs assessment. Also included are regulations pertaining to project description, size, scope, and quality of programs; parent advisory councils; local institutions for neglected and delinquent children; and comparability of services provided by Title I projects with services provided with federal funds in non-Title I project school attendance areas. Program development and implementation regulations are given for areas such as: objectives of instructional activities, staff, staff duties, class size, methods of instruction, suggested models for scheduling Title I participants, records, inservice training, program monitoring, evaluation, and dissemination of information to local educational agency personnel and to the public. Regulations concerning other related items are also given. (Author/AM)

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Georgia State Regulations

and

Procedures Manual for Title I

of the

Elementary and Secondary Education Act

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Title I Unit
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1977

PREFACE

Since the passage of the Elementary and Secondary Education Act in 1965, Georgia has given special attention to the needs of educationally disadvantaged children residing in attendance areas with high concentrations of low-income families. Through the provisions of Title I of the Act, the State Board of Education and the State Department of Education provide supplementary services to complement basic educational programs provided at the state and local levels.

This manual was published in 1975, expanding upon the initial publication of 1967, to provide regulations to assist local education agencies in planning, designing and implementing programs of compensatory education for specifically identified children residing in eligible attendance areas. The current revision, approved by the State Board of Education in July 1977, brings the manual into conformity with new federal rules and regulations and supersedes the aforementioned publications.

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PROGRAM PLANNING

Local Educational Agencies

It is the responsibility of the local educational agency to identify the special educational needs of educationally deprived children residing in attendance areas where there are high concentrations of children from low-income families and of children residing in approved local institutions for the neglected and delinquent, to plan and design projects to carry out the purpose of the legislation with regard to such children, and to submit applications to the state educational agency for grants to fund the proposed projects.

The local educational agency shall constantly monitor the activities approved for Title I funding to assure that adequate progress is being made toward achieving the objectives of the project. The local educational agency shall further make determinations that the project is being implemented and operated at each Title I school as approved by the state educational agency.

Projects shall be carried out at locations where the needs of the educationally deprived children can be served best.

No local educational agency may assign any part of its eligibility to another agency. This does not, however, prevent two or more local educational agencies from conducting a joint project through a combined use of available funds.

The superintendent, or other authorized representative of the local educational agency, shall be responsible for submission of applications for grants to meet the special educational needs of the educationally deprived children residing in areas of high concentrations of low-income families. All applications, amendments, and other official documents must be signed by the superintendent or other authorized representative of the local educational agency.

Reference Materials

Prior to planning a Title I project, the local educational agency should have readily accessible the laws, regulations, guidelines, and policies which relate to Title I.

Many publications from the U. S. Office of Education are extremely valuable to the local educational agency as sources of additional information and direction in planning and operating a Title I project. Particularly important are:

1. Federal Register, Financial Assistance to Local Educational Agencies to Meet the Special Educational Needs of Educationally Deprived, Neglected and Delinquent Children, Tuesday, September 28, 1976, Part IV.

2. Federal Register, General Provisions for Programs Administrative and Fiscal Requirements, Tuesday, November 6, 1973, Volume 38, Number 213, Part III.

3. Title I - Financial Assistance to Local Educational Agencies for the Education of Children of Low-Income Families.

4. General Education Provisions Act.

Board Certification

The authorized representative of the local educational agency must furnish certification that the local board of education has granted authority to submit the application on an annual basis. The application must show the date of this action as recorded in the local board minutes.

Local Educational Agencies Eligible for Grants

A local educational agency shall be eligible for a grant under Title I of the Act for a fiscal year if the U. S. Commissioner of Education determines the number of children ages 5-17, inclusive, from low-income families in that agency is at least ten. (See pages 24 and 25 for scope of eligible activities, services, and student participation.)

Allocation of Funds

If the appropriation for Title I for a given fiscal year is not sufficient to provide for maximum funding, each local educational agency's allocation shall be ratably reduced in accordance with provisions of the Act.

Suballocation of County Grants

Suballocations of a county grant to independent local units of administration which are located in whole or in part in that county shall be made as follows:

1. Any suballocation of a county's grant for neglected and delinquent children ages 5-17, inclusive, residing in approved local institutions or in foster homes shall be the aggregate amount determined for such children in that county by the formula prescribed in Public Law 93-380.

2. The remainder of such a county's grant shall be sub-allocated among the affected local units of administration on the basis of the distribution of children ages 5-17, inclusive, from low-income families as determined by a formula which places a weight of 75 percent on the most recent U. S. Census data and a weight of 25 percent on Aid to Families with Dependent Children (AFDC) data.

A local unit of administration's grant shall be no less than 85 percent of the previous year's ratably reduced allocation.

Reallocation of Funds

The state educational agency may determine, not earlier than November 1 of a fiscal year, the amounts allocated for that year to local educational agencies in excess of amounts required for projects. Local educational agencies shall inform the Director of Title I, by November 15, the amount of surplus funds available for reallocation. Such amounts, not to exceed the basic maximum, shall be made available to other local educational agencies which apply for additional funds, by November 15, and which have the greatest needs to redress inequities inherent in, or mitigating hardships caused by, the application of the allocation provisions of the Federal Regulations. The needs of the local educational agencies, and the amounts for which they will be eligible, shall be determined by the state educational agency on the basis of the extent to which the allocation provisions fail to reflect actual needs resulting from population shifts, changing economic conditions, or other factors.

The Office of Instructional Services shall establish a committee to review all applications and make recommendations for the reallocation of surplus Title I funds.

This committee shall include in its membership the Associate State Superintendent for Instructional Services, the Director of the Division of Early Childhood and Special Education, the Director of Title I, ESEA, the Title I, ESEA Evaluator, and at least two Title I Area Consultants.

After the committee has reviewed all local educational agencies' applications for the reallocation of surplus funds, it shall recommend to the State Superintendent, in priority order, those applications that should have funds reallocated and the amount of reallocated funds for each local educational agency's application.

The State Superintendent, acting upon the committee's recommendations, shall direct the Director of Title I to make reallocations of surplus funds to those local educational agencies whose applications and fund amounts are approved by the Superintendent.

The Director of Title I shall inform each local educational agency making application for surplus funds of the disposition of its request, not later than January 5.

Funds for Projects

Each year, Title I entitlements are calculated for local educational agencies on the basis of the number of children ages 5-17, inclusive, from low-income families, in foster homes, and in local institutions for the neglected or delinquent determined by a count as of October of the preceding year. Eligible educational agencies will be notified by letter of the maximum authorized amounts and the ratably reduced amounts to which they are entitled. In the absence of a congressional appropriation, the Division of Early Childhood and Special Education, Georgia State Department of Education, will make tentative estimates of entitlements for use by local educational agencies in submitting their project applications.

Carry-Over Funds

Title I funds may be carried over for use in approved projects during the fiscal year immediately following the fiscal year for which the funds were originally appropriated or during July, August, and September of the next succeeding fiscal year.

Carry-over funds may be included in the initial application or amended into the project and expended during the period for which such funds are available. These carry-over monies must be accounted for separately from current year monies and should be obligated and expended as early in the year as practical.

Maintenance of Fiscal Effort

The combined fiscal effort of the state educational agency and the local educational agency in providing free public education for the preceding fiscal year shall not be less than the combined fiscal effort for that purpose for the second preceding fiscal year. A combined fiscal effort in the preceding fiscal year shall not be deemed to be a reduction in per pupil or the aggregate expenditure if the decrease is less than five percent. A reduction in excess of five percent shall disqualify a local educational agency for Title I funds unless such agency can demonstrate that very unusual and exceptional circumstances beyond the applicant's control caused the reduction. The local superintendent must request a waiver of the fiscal effort requirement from the U. S. Commissioner of Education. A waiver of such requirement will be applicable for only one year. If a request for a waiver is necessary, and such waiver is granted by the U. S. Commissioner of Education, a copy of all correspondence must be included in the application. Title I funds may not be obligated until an official waiver has been granted.

The fiscal effort of a local educational agency shall be measured by the amount of the per pupil or the aggregate expenditure of state and local funds. Federal funds for which the local educational agency is required to account to the federal government directly or through the State Department of Education shall be excluded in a local educational agency's determination of fiscal effort. The sources of such funds are Titles I, II, III, and IV of the Act; Titles III and V of the National Defense Education Act of 1958; the Johnson O'Malley Act;

the Equal Opportunity Act of 1964; Section 5 (e) funds under P. L. 81-874, etc. A local educational agency receiving 95 percent or more of its funds for education from federal sources will not be required to meet the maintenance of fiscal effort requirement.

Each application shall contain an assurance that Title I funds will be used to supplement and, to the extent practical, increase the level of funds otherwise available from nonfederal sources; will not be used to supplant state and local funds available for the education of identified Title I participants; will not be used to provide services mandated by state law and those available through other sources; and, will be used solely to pay the excess cost of programs.

Title I funds shall not be used to pay for services which a local educational agency is required to provide pursuant to a formal determination under Title VI of the Civil Rights Act, Title IX of the Educational Amendment of 1972 (P. L. 92-318), or Section 504 of the Vocational Rehabilitation Act of 1973, as amended, or pursuant to a final order of a court.

Concentration of Fiscal Effort

A Title I project, if it is to have "sufficient size, scope, and quality to give reasonable promise of substantial progress," as required by the Act, must be concentrated on a limited number of children.

The proposed Title I expenditure per child is an indication of the concentration of effort. The greater the concentration of effort, as indicated by investment per child, the greater the likelihood that the project will have a significant impact on the participants. The investment per child on an annual basis for a project of compensatory educational services which supplement the child's regular school activities is expected to be about one-half the expenditure per child from state and local funds for the applicant's regular school program. The investment per child per year for a project, such as a preschool project, which provides all of the services for full-time equivalent children involved, is expected to equal the applicant's expenditure per full-time equivalent pupil from state and local funds.

Project Expenditures

A local educational agency shall document properly all approved budget expenditures (e.g., invoices must support expenditures for utility meter readings, supplies, materials, and equipment. Odometer readings and lodging receipts must support expenditures for travel, etc.). Payroll payments must be made as shown on the "Salary Reimbursement Requisition Register," DE Form 038.

Title I funds may be used for salary payments, but only for services rendered during the employment time described in the approved project application.

A local educational agency shall not claim Title I money and money from state, local, or other sources as salary for the same working hours of an individual's employment.

Accounting, Audits, and Reports

The obligation basis of accounting in maintaining fiscal records and reporting shall be used.

Project funds shall be used only for project obligations which are made on or after the beginning date established for the project by the state agency.

Project funds for a given project and fiscal year shall be spent or obligated within that fiscal year and project dates. Obligated funds shall be paid within twelve months of the end of the project. Any unpaid obligations at that time shall be cancelled or paid from local funds. Certain construction costs which may require a longer period will need prior approval from the state Title I office. (See page 38 for criteria for approval of construction.)

A report, "Quarterly Disbursement and Estimated Requirement of Federal Funds," DE Form 0147, shall be submitted to the State Department of Education's Accounting Services by the fifteenth of the month preceding each calendar quarter. A separate original report is required for each project fund.

An original "Project Completion Report," DE Form 0375, shall be submitted for each project fund and is due in the State Department of Education's Accounting Services within 30 days after the last obligation has been paid. A check for any unexpended money should be submitted with each "Project Completion Report."

Account codes which conform with the "Annual Financial Report" shall be followed for all Title I reports.

Prorated salaries for time spent on Title I projects shall be carefully calculated and documented by before-the-fact statements of the time estimated that each employee will devote to each project and by after-the-fact statements of the actual time each such employee did devote to the project. The statements shall be signed by the responsible official.

All financial activities under this Title are subject to audit at the local, state, and federal levels. Complete audits of project accounts shall be set out from the normal school audit, filed at the state level, and made available to the Department of Health, Education and Welfare, or to representatives of the U. S. Commissioner of Education.

A local educational agency shall be held financially responsible for any overpayment of funds to that local educational agency as indicated by sustained audit exception. Such funds shall be refunded to the state agency which disbursed them.

Withholding of Funds

In accordance with Georgia School Laws (Revised 1976 Edition), Section 32-669a, a local educational agency failing to comply with school laws or any provision of rules, regulations, policies, standards, or requirements of the State Board of Education may have "Adequate Programs for Education in Georgia" (APEG) funds withheld until such time as full compliance is made by the local agency.

Deviation in Utilization of Project Funds

A deviation upward or downward in an amount not to exceed ten percent of the total amount of an approved project, provided such a deviation does not prevent the project from continuing to meet the requirements of the "Act" and of the "Regulations," is permitted. Projects must be amended if there are to be deviations of more than ten percent in the total amount of money approved, deviations of 25 percent or more in any line of the approved project budget, additional or different personnel employed from that approved in the project, or additional or different equipment purchased from that approved in the project.

Section 100b.29 of the Federal Regulations has been interpreted to mean that no upward deviation from the amount approved for a given project may be permitted unless there is a corresponding decrease in the amount spent in a second project being carried out during the same fiscal year (e.g., a summer-term project); and, the deviation (upward in one project and downward in another project) may not exceed ten percent in either of the projects.

Operational Responsibilities

The approval of a Title I project by the state educational agency does not relieve a local educational agency of the responsibility to carry out its project in accordance with the approved application, Title I of the Act, and the applicable federal and state regulations.

Indirect Cost

Indirect cost expenses for the operation of a Title I-funded project may be claimed in accordance with the indirect cost rate approved annually by the State Department of Education's Fiscal Division. The indirect cost rate shall be applied to the direct cost of each fiscal year's funds budgeted in the project, excluding any amount budgeted for capital outlay and debt services. The indirect cost rate and amount of indirect cost shall be identified separately on each budget page. The total of direct cost and indirect cost shall not exceed the amount approved for the project.

The salaries and fixed charges for persons performing personnel duties, bookkeepers, payroll clerks, purchasing clerks, comparability clerks, and for related administrative expenses are considered indirect cost expenditures. If the duties of an employee are such that the expenses related thereto are partly direct cost and partly indirect cost, accurate time records shall be maintained in order to document that division.

Selection of Eligible Attendance Areas

For a school attendance area to be eligible for a Title I activity, it shall meet one of the following requirements:

1. Percentage Concentration - The percentage of children from low-income families residing in each of the attendance areas which make up the total project area must be as high as or higher than the percentage of such children residing in the district as a whole.

   Upon specific request by the local educational agency, the state educational agency's Title I staff may approve the inclusion of an attendance area as a project area if at least 30 percent of the children in the attendance area are from low-income families based on the number of children who are eligible for free lunches in accordance with regulations for the National School Lunch Act and the criteria established by the School Food and Nutrition Section of the state education agency.

   Those children receiving reduced-price lunches must not be used for determining eligibility of attendance areas based on the 30 percent rule.

2. Numerical Concentration - The number of children from low-income families residing in each of the attendance areas which make up the total project area must be at least as large as the average number of such children residing in all attendance areas of the system as a whole. The application of the 30 percent rule may not be used in connection with the numerical concentration selection method.

3. Combination of the Above - A combination of percentage and numerical methods of ranking the attendance areas may be used in order to fulfill the purpose of Title I; however, in such a case, the total number of attendance areas designated as target areas shall not exceed the number that would have been designated had only one method of ranking been used.

4. District as a Whole - In certain cases the whole of a school district may be regarded as an area having a high concentration of children from low-income families and be approved as a project area, but only if there are no wide variances in the concentrations of such children among the

several school attendance areas in the district. The variance between areas with the highest and lowest percentage concentration of children from low-income families should be no greater than one-third of the percentage of children from low-income families in the school district as a whole.

5. Prior Fiscal Year Qualifying - Beginning with fiscal year 1975, a Title I project school may continue to receive Title I services for two additional consecutive fiscal years provided the school attendance area has not been altered.

6. Average Daily Attendance Qualifying - A local educational agency may provide Title I services for educationally deprived children enrolled in a school where the percentage or number of children in average daily attendance and from low-income families is at least as high as the district-wide percentage or average number of children from low-income families in accordance with paragraphs one and two above.

Upon specific request by a local educational agency, the state educational agency may not require a school attendance area, which has a higher percentage or greater average number of children from low-income families than does the district as a whole, to have a Title I project if that local educational agency demonstrates, to the satisfaction of the state educational agency's Title I staff, that the incidence and severity of educational deprivation in the attendance area are substantially less than in other designated project areas, and that services of the same nature and scope as those that would otherwise be provided under Title I in that attendance area are being funded from other sources.

Also, detailed comparability data must be provided to demonstrate that any attendance areas, for which exceptions are made under this provision, are comparable in accordance with Section 116a.26 of the Federal Register.

Whenever a local educational agency has multiple schools serving specific grade levels, separate tabulations and rankings may be made for the attendance areas for each category of schools in accordance with Section 116a.20(b)(5) and Section 116a.26(i)(1) and (2) of the Federal Regulations.

If two or more buildings serving children from the same attendance area, (e.g., one building serves grades K-2, one building serves grades 3-4, and one building serves grades 5-6; and, if grades K-6 represent the elementary grade span level), that attendance area's eligibility must be determined on the basis of the pairing and/or clustering arrangement.

Data Sources for Determining Number of Children from Low-Income Families

Sources of data to determine the number of children from low-income families may be obtained from:

1. the number of children benefiting from Aid to Families with Dependent Children (AFDC), and/or

2. the number of children benefiting from the National School Lunch Act (NSLA).

A combination of AFDC data and NSLA data may be used on a 50:50 weighting basis. The data must be applied uniformly throughout the local educational agency.

Needs Assessment

A local educational agency shall conduct a needs assessment and include in its application sufficient information and documentation to assure that the following steps have been taken:

1. that eligible attendance areas were determined by appropriate methods;
2. that the age or grade levels at which it will implement the Title I-funded activities have been determined;
3. that it has reviewed appropriate existing data, including past evaluations of Title I projects, and data on the performance of children residing in the eligible Title I attendance areas in the basic programs of instruction;
4. that it has determined the incidence and severity of educational deprivation in the eligible areas, including eligible children enrolled in private schools, preschool children, school age children not enrolled in school, and children residing in local institutions for neglected or delinquent children;
5. that it has identified the specific types of needs of specific children for which Title I funds will be used based on appropriate existing data and additional objective data;
6. that it has obtained additional objective data in combination with existing available data that will enable it to identify the educationally deprived children with the greatest need for special assistance;
7. that it has set forth specific criteria by which the educationally deprived children residing in the project area and children residing in institutions for the neglected or delinquent will be selected to receive Title I services;
8. that adequate diagnostic procedures have been used to determine the special educational needs of children to be served in a Title I project activity; and,

9. that teachers, parents, and other persons knowledgeable of the needs of public and private school children and of children in local institutions for the neglected or delinquent have been consulted to the extent feasible.

In order to prevent duplication of services, the local educational agency shall identify the private agencies, parent groups, staff advisory groups, representatives of other federally financed programs including educational programs, and other local agencies that are involved in analyzing needs and planning compensatory education programs. Such agencies as the following whose activities relate to disadvantaged children shall be involved in planning the project:

1. Parent Advisory Councils
2. Health Department
3. Welfare Department
4. Community Action Agencies
5. Civic Groups
6. Professional and Auxiliary Personnel from the Local Educational Agency's Staff
7. Other Federal and State Agencies

The needs of children shall be indicated by objective measures of educational deficiencies in the basic skills areas and shall be carefully and fully documented.

Educationally deprived children chosen to receive Title I services may include those residing in the project area who have the greatest needs for special assistance and those residing in the project area who participated in a Title I project the previous year if such children are still determined to be educationally deprived.

Project Description

Each project application made by a local educational agency shall be designed to meet one or more of the special educational needs which have been identified and described in the application. Each application for a grant shall describe: (1) the educational objectives of the project and the relationship of the objectives to the special educational needs identified through the diagnostic procedure used; (2) the resources to be used in implementing the project and plans for the use of the resources; (3) the time periods and instructional settings where the project will be carried out; (4) the number of children to be served and a description of their special educational needs; (5) the approaches, methods, and techniques that will be used to evaluate the extent to which the project attains its objectives; (6) a budget detailing the proposed expenditures required to implement the project; and, (7) the specific provisions for informing and consulting with parents concerning the services to be provided for their children, the performances of their children, and the ways in which parents

can assist their children in benefiting from services provided under Title I of the Act.

Project Size, Scope, and Quality

The state educational agency shall not approve a project unless it determines that the project is of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the special educational needs of specifically identified, educationally deprived children.

Each project application shall set forth the basis on which the achievement of its objectives is to be determined. It must demonstrate that the proposed project resources and procedures have been well planned and show reasonable promise of meeting the objectives.

The project must be designed solely to meet the special educational needs of educationally deprived children who have the greatest need for assistance. The types of services offered in the project must correspond to the priority needs identified with respect to basic skills programs.

The project of a local educational agency must involve the expenditure of at least $2,500. The budget for a project must avoid imprudent, extravagant, and wasteful expenditures which would tend to defeat the intent of the Act. The project must justify any proposed expenditures in excess of the expenditures by the applicant for other comparable activities. The project shall concentrate on a limited number of activities relating to a limited number of specifically identified, educationally deprived children. It should demonstrate reasonable promise of promoting a marked degree of improvement in the educational attainment of the identified children to be served with respect to the basic skills areas.

The evaluation plans must comply with evaluation requirements and must be appropriate for measuring the attainment of the objectives of the project.

Specifically identified, educationally deprived children may be provided services in regular classrooms or in other settings where non-Title I children are present, if the presence of the non-Title I participants does not impair the effectiveness of the project.

A project must not be designed to meet the general needs of a school, the student body at large in a school, or of a specific grade in a school.

Parent Advisory Councils

Parental involvement at the local level is deemed to be an important means of increasing the effectiveness of projects under Title I of the Act.

Each local educational agency shall establish a Parent Advisory Council at the district level and one for each school attendance area served by a Title I project. A local educational agency may establish an intermediate advisory council for groups of schools within its district. Each application of such agency shall list the chairpersons of the advisory councils at each level. The advisory council membership shall include a majority of parents of children from public and nonpublic schools who participate in the current year's Title I project and/or parents of children who will participate in the following year's project. Such parents must reside in the school or district attendance area which they serve. Meetings must be held at least quarterly.

Each application of a local educational agency shall describe how parents of children to be served were consulted and involved in the planning of the project and shall set forth specific plans for continued involvement of parents in the development, operation, and evaluation of the project.

All of the parents of children eligible to attend a public school serving a project area, including parents of children living in such area and enrolled in private schools, shall be eligible to participate in the selection of members of the appropriate district, intermediate, and school advisory councils.

The application must include evidence that each council has been given responsibility in an advisory capacity by the local educational agency in the planning, the implementation, and the evaluation of the project funded under Title I of the Act.

The local educational agency, in consultation with the district-wide council, shall establish appropriate procedures whereby parents of children who participated in the preceding year's project or who will participate in the current year's project may, with their consent, be identified for membership consideration on a school, intermediate, and/or district advisory council.

The local educational agency, after consultation with the district advisory council, shall establish appropriate procedures of operation, procedures for the nomination and selection of eligible council members, procedures for convening meetings, and procedures for recording and maintaining minutes. Such procedures shall also include provision for affording adequate notice (in languages other than English if necessary) to the parents and the general public in the district and in each local school attendance area of the time, place, and method whereby such selection shall be made. Upon the selection of members of the councils, the names of all members of such councils shall be made available to the public through appropriate notices; and, they shall continue to be made available upon request.

The local educational agency may provide that the membership of its district-wide or intermediate advisory council will be composed solely of members from each local school council and elected by their respective school councils.

A local educational agency with only one school at which Title I services are provided, or with two or more such schools with a combined enrollment of less than 1,000 children, is required to have only a district advisory council with at least one member from each project school attendance area.

Each local educational agency shall include in its application sufficient information to enable the state educational agency to make the following determinations: (1) that each council has been furnished, free of charge, copies of Title I of the Act, the Federal Regulations, any guidelines issued pursuant thereto, this Georgia State Title I Regulations and Procedures Manual for Title I, ESEA, the local educational agency's current application, periodic progress reports on the implementation of the currently approved Title I project, appropriate orientation and training materials, and such other information and documents (including prior applications for Title I projects and evaluations) as may be needed for the effective involvement of each such council in the planning, development, operation, and evaluation of projects under Title I; (2) that the local educational agency has provided such council with plans for future Title I projects, a description of the process of planning and developing those projects, and the projected times at which each stage of the process will start and be completed; (3) that each council has had an adequate opportunity to consider the information available concerning the special educational needs of the educationally deprived children residing in the project areas, of the services available to meet those needs, and to make recommendations concerning those needs which should be addressed through the Title I project; (4) that each council has had an opportunity to review evaluations of prior Title I projects and has been informed of the performance criteria by which the proposed project is to be evaluated; (5) that the Title I project in each target area includes specific provisions for informing and consulting with parents concerning the services to be provided for their children under Title I of the Act, the performance of their children, and the ways in which such parents can assist their children in realizing the benefits those services provide; (6) that the local educational agency has adequate procedures to insure prompt response to complaints and suggestions from parents and from each parent council; and, (7) that all parents of children to be served have had an opportunity to present their views concerning the application to the appropriate school council and that each council shall submit its comments to the local educational agency which shall consider such comments in determining whether or not the application will be submitted for approval to the state educational agency.

The state educational agency shall establish such additional rules and procedures, not inconsistent with the provisions of this section, as may be reasonably necessary to insure the involvement of parents and the proper organization and functioning of Parent Advisory Councils.

Reimbursement of Expenses for Members of Parent Advisory Councils and Volunteer Workers

Members of Parent Advisory Councils and volunteers not receiving regular compensation under Title I of the Act may be reimbursed from Title I funds for personal expenses directly attributable to the performance of their duties and functions as set forth in the local educational agency's approved applications.

Nonpublic Schools

The local educational agency shall provide an opportunity for children who are enrolled in nonpublic schools and who reside in eligible attendance areas to participate in compensatory education activities designed to meet the special educational needs of disadvantaged children. Activities for nonpublic school children shall be comparable to those for children enrolled in public schools and shall be consistent with the number of educationally disadvantaged nonpublic school children and the nature and extent of their educational disadvantagement.

Immediately after the project areas are designated, the local educational agency shall contact the nonpublic school officials and continuously involve them in the identification of needs, the determination of objectives and activities, the establishment of selection criteria for children who will receive the benefits of the project, and the evaluation of the project.

If it is not practical to serve children enrolled in a nonpublic school because they are enrolled in a nonpublic school located in another school district, the local educational agency may make arrangements for such children with the local educational agency serving such other school districts through a cooperative project. In the case of a cooperative project involving two or more local educational agencies, the project area with respect to each school district must be one that qualifies as an eligible attendance area; however, the whole of the project area must be considered in determining whether it is too restrictive in size in relation to the nature of the project in order that the effectiveness of the project will meet its objectives. The activities to be provided children in nonpublic schools shall not include the financing of existing instructional activities.

The local educational agency shall state how the needs of educationally deprived children enrolled in nonpublic schools have been assessed, the number of children found to be educationally deprived based on objective measures and specific selection criteria, the number of such children who are expected to participate in each of the instructional activities under Title I, the degree and manner of their expected participation, and the anticipated educational improvement of such children.

Any project to be carried out in a public facility and involving a joint participation of children enrolled in nonpublic schools and children enrolled in public schools shall include an assurance that children will not be separated by school enrollment, religious affiliation, race, color, creed, etc.

Public school personnel may be made available to nonpublic schools only to the extent necessary to provide the activities for those educationally deprived children for whom such activities were designed.

A local educational agency submitting a project, including activities for nonpublic school children, shall submit an assurance that it will maintain administrative control over those activities and all equipment to be used for the successful participation of nonpublic school children for whom the specific activities were designed and that the equipment will not be used to provide activities for all children in a grade or in a school.

Title I funds shall not be used to pay the salaries for teachers or other employees of nonpublic schools for duties performed during the regular working hours; however, duties performed outside regular working hours and under the supervision and control of the local educational agency may be approved.

Upon application for a grant to be funded by Title I, the local educational agency shall submit an assurance that it has provided for the participation of eligible nonpublic school children.

Title I funds shall, at all times, be under the control of and be administered by the local educational agency except in cases as described below. The local educational agency shall be responsible for insuring that Title I funds are used for the purpose for which they were approved. Title I funds shall not be approved for construction of private school facilities.

When Title I-funded activities are conducted on the premises of a nonpublic school, the local educational agency shall certify that the participating nonpublic school has on file with the U. S. Office of Civil Rights an Assurance of Compliance (HEW Form 441) in accordance with regulations of the

U. S. Department of Health, Education and Welfare.

The state educational agency shall not approve a local educational agency's application for a grant for activities that does not make provisions for activities for eligible nonpublic school children. In the event of such a disapproval, the state educational agency shall notify the U. S. Commissioner of Education that an application for a grant under Title I has been disapproved because the local educational agency has failed to meet the requirements for providing such services. The state educational agency shall set forth the reasons and supporting evidence for such disapproval.

Where a local educational agency has failed to provide for the participation of eligible nonpublic school children on an equitable basis and/or such agency reduces the size, scope, or quality of the activities provided such children, the U. S. Commissioner of Education shall make arrangements for providing such activities. After the final determination and the implementation of satisfactory arrangements for providing nonpublic school children activities have been made, the obligations and expenditures incurred by a local educational agency shall not be recognized as allowable expenditures under Title I of the Act for the period during which such reduction of activities took place. After the U. S. Commissioner of Education has made satisfactory arrangements for activities for eligible nonpublic school children, the cost of such activities shall be paid from the appropriate allocation or allocations of the local educational agency affected. The U. S. Commissioner of Education shall not take any final action until he has afforded the state educational agency and the local educational agency affected by such action at least 60 days' notice of his proposed action and an opportunity for a hearing with respect to such action.

If a state educational agency or a local educational agency is dissatisfied with the U. S. Commissioner of Education's final action after a hearing, it may, within 60 days after notice of such action, file with the U. S. Court of Appeals for the circuit in which such state is located a petition for review of his action. A copy of the petition shall be transmitted by the Clerk of Court to the U. S. Commissioner of Education. The U. S. Commissioner of Education shall file in court the record of the proceedings on which he based his action.

The findings of fact by the U. S. Commissioner of Education shall be conclusive; however, the courts may remand the case to the U. S. Commissioner of Education to take further evidence. The U. S. Commissioner of Education may make new or modified findings of fact, may modify his previous action, and shall file in the courts the record of further proceedings. Such new or modified findings of facts by the U. S. Commissioner of Education shall be conclusive if supported by substantial

evidence. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside in whole or in part. The judgement of the court shall be subject to review of the Supreme Court of the United States upon certification.

Local Institutions for Neglected and Delinquent Children

Title I of the Act makes provisions for the inclusion in Title I projects of children residing in approved local institutions for neglected and delinquent children. Children residing in these institutions shall be considered for participation in Title I activities conducted in public schools or in projects conducted at the institutions. For a Title I activity or service to be conducted on the premises of an institution, the institution must have on file with the U. S. Office of Civil Rights an Assurance of Compliance (HEW Form 441) in accordance with regulations of the U. S. Department of Health, Education and Welfare.

Children residing in local institutions for the neglected or delinquent are eligible for services under Title I of the Act regardless of whether the institution is located in an eligible or noneligible attendance area.

Application Approval by State Educational Agency

The state educational agency shall review all local educational agency applications for grants under Title I of the Act to determine whether such applications meet the requirements of the Act, the federal regulations, and of these state regulations. The state educational agency shall not approve an application unless it determines that all such requirements are met and shall not approve an application in which the amount of funds requested exceeds the total allocation to that local educational agency.

The state educational agency shall not finally disapprove an application in whole or in part without first affording the local educational agency notice and opportunity for a hearing with respect to such application in accordance with the provisions of the appeals and hearings procedure set forth in this Georgia State Regulations and Procedures Manual for Title I of the Elementary and Secondary Education Act.

Project Operational Period

The effective operational period for an approved project will be determined by the state educational agency. In no event shall such date be earlier than the first day on which funds

being applied for become available for obligation or the effective date of the state educational agency's Annual Program Plan.

Comparability of Services

The state educational agency shall not approve an application for a grant under Title I of the Act or make payments of Title I funds under a previously approved application unless the local educational agency has demonstrated that services provided with state, local, and non-categorical federal funds derived from public sources in Title I project school attendance areas are at least comparable to the services being provided with such funds in non-Title I project school attendance areas. Also, a local educational agency shall file with the state educational agency, on or before July 1 of each fiscal year, the assurances and additional information required by Section 116a.26 of the Federal Regulations with respect to the maintenance of comparability as listed below:

1. an assurance that comparability of services demonstrated the previous year with respect to Title I project attendance areas will be maintained in all such areas that will be designated as Title I project areas for the next fiscal year;

2. data on schools serving attendance areas, if any, that will be newly designated as Title I school attendance areas for the next fiscal year. The data shall show that these newly designated school attendance areas would have been comparable during the preceding fiscal year, if such attendance areas had been designated for a Title I project, or as the results of specific action by the local educational agency, will be comparable during the next fiscal year. A revised comparability report, showing that the specific action will make all Title I project school attendance areas comparable, must be submitted to the state educational agency with the original report; and,

3. a statement of the specific policy and procedures adopted by the local educational agency to assure that textbooks, library resources, and other instructional materials and supplies are provided for each Title I school attendance area on a basis that is comparable to that for non-Title I project areas.

Tne state educational agency shall require each local educational agency to submit a report, in such form as the U. S. Commissioner of Education prescribes, containing the information required for the state educational agency to make the following determinations:

1. that the number of children enrolled per instructional staff member for each Title I project school attendance area is no more than 105 percent of the average number of children per instructional staff member in non-Title I

school attendance areas in the applicant's district; and,

2. that the annual expenditure for instructional staff salaries per child determined for each Title I project attendance area is not less than 95 percent of the average of such expenditures per child in non-Title I school attendance areas in the applicant's district.

Such reports as the Commissioner may require shall include the following data for each Title I project school attendance area and, on a combined basis, for non-Title I school attendance areas of corresponding grade spans: (1) the number of children in active enrollment (for this purpose, children enrolled in the state-supported portion of a kindergarten program may be counted on a full-time equivalency basis); (2) the full-time equivalent number of certified and non-certified instructional staff whose salaries are paid with state, local, and non-categorical federal funds and who are assigned on a regularly scheduled basis to such schools; (3) the total amount of state, local, and non-categorical federal funds expended on an annual basis for salaries for such instructional staff members less the amount paid for length of service (longevity); (4) the number of children in active enrollment per instructional staff member; (5) the amount expended per actively enrolled child for salaries of the instructional staff paid from state, local, and non-categorical federal funds; and (6) the number of children, the number of instructional staff, and expenditures for staff salaries, if any, that were excluded from determining comparability.

With reference to (6), above, the enrollment, instructional staff and instructional staff's salaries for handicapped children, for children with a specific learning disability, and for children with limited English-speaking ability who are enrolled full-time in special programs may be excluded by the local educational agency in determining the comparability of services provided in project areas. In order to make these exclusions, state, local, and non-categorical federal funds must be used to provide, in project areas, services to handicapped children, to children with specific learning disabilities, and to children of limited English-speaking ability, which are comparable to such services provided similar children residing in non-project areas.

In determining comparability, a local educational agency may exclude expenditures (from state, local, and non-categorical federal funds) for programs of bilingual education for children of limited English-speaking ability or for special programs for handicapped children where such children do not participate in such programs on a full-time basis. Also, the staff employed with such state, local, and non-categorical federal funds may be excluded provided the local educational agency demonstrates to the satisfaction of the state educational agency that the services provided with such funds to children of limited English-speaking ability or to handicapped children who reside in Title I project areas are comparable to such services provided to similarly disadvantaged

children in non-project areas. Under the provisions of this paragraph, staff and number of children shall be excluded only on a full-time equivalency basis.

In determining comparability, staff and money used for a state and locally-funded compensatory education program may be excluded provided: (1) the program is similar to project activities under Title I, (2) the participating children are educationally deprived and need special educational assistance in order that their level of educational attainment may be raised to that appropriate for their age, are handicapped, or reside in institutions for the neglected or delinquent, (3) the program is based on performance objectives related to educational achievement, (4) any supplemental services included are designed to meet the special educational needs of the participants, (5) the program is evaluated in a manner consistent with its stated performance objectives, and (6) the local educational agency is separately accountable to the state educational agency for the state and/or local money expended on the program.

If the local educational agency excludes any special programs, a separate report demonstrating comparability of services for each excluded program must be submitted to the state educational agency.

The data for determining comparability shall be as of the last day of the first school month and shall be submitted to the Title I area consultant no later than November 1.

If any Title I project school attendance area is determined not to be comparable, as of the last day of the first school month, the local educational agency must submit by November 1 a specific plan of action and a completely revised comparability report showing that each Title I school attendance area is comparable to the average of the non-Title I project school attendance areas within its grade span grouping. If, as of December 1, the state educational agency determines that a local educational agency has not achieved comparability, the approval of its Title I project shall be suspended until such time as the local educational agency can appropriately demonstrate comparability, providing the action is taken prior to March 31. The suspension of project approval shall be lifted as of the date on which comparability is achieved. If a revised report is not submitted to the state educational agency by March 31, the disapproval of the project shall be final after the local educational agency has been notified and provided an opportunity for a hearing in accordance with Section 116.5(c) of the Federal Regulations. All unobligated funds, as of December 1, shall be reallocated to other complying local educational agencies in the state in accordance with the provisions of Section 116a.11 of the Federal Regulations.

No Title I funds may be used to pay for obligations incurred by a local educational agency during a period of suspension or during a period after December 1 if such agency has failed to maintain comparability. If, subsequent to December 1, a local educational agency fails to maintain its comparability, it

will be placed in a period of suspension unless prompt corrective action is taken.

For comparability purposes, a local educational agency shall group its schools by corresponding grade spans not to exceed three (3) such groups (generally designated as elementary, middle or junior high, and high school).

Those local educational agencies providing education for seven (7) or fewer grade levels immediately above kindergarten (e.g., K-7) shall be limited to one group; those providing education for eight (8) or nine (9) grade levels immediately above kindergarten shall be limited to two groups (e.g., K-4, 5-9); those providing education for any combination of grade levels from grades 6-12 only shall be limited to two groups if the number of such grade levels is at least five (e.g., 7-9, 10-12); and to one group if the number of such grade levels is four (4) or fewer (e.g., 9-12).

A school serving grades in two or three such groups shall be included in that group with which it has the greatest number of grades in common.

Where the number of grades in common are equal between two or more groups, the school shall be included in the lower grade division. For example, a local educational agency might have the following grade span organization: K-6 (elementary), 7-9 (junior high), and 10-12 (senior high). In addition, the local educational agency might have a middle school serving grades 5-8. Since the middle school has two grades in common with the elementary division (grades 5 and 6), it would be included in the lower grade division (elementary) for determining comparability.

Local educational agencies having schools serving eight or more grades above kindergarten may consider such schools to be in a separate group in addition to the groups determined in accordance with the above paragraphs. If, in a particular grade span, one school has an enrollment that is at least twice that of another, the local educational agency may divide such schools in that grade span into two groups; one for the schools with the larger enrollments and one for the schools with the smaller enrollments.

A local educational agency having schools with enrollments of 100 or fewer children shall exclude such schools in making comparability determinations based on the size of the smallest school.

A school with an enrollment of 100 or fewer children shall not be included for comparability purposes; but, if a local educational agency operates schools of such size and corresponding grade spans for both Title I project areas and non-Title I project areas, it must file with the state educational agency a statement

of the policies it will follow for equitable allocations of staff to those schools. The policies must be consistent with comparability requirements.

Comparability requirements are not applicable to a local educational agency which has demonstrated to the state educational agency that it is operating only one school serving children in the grade span at which Title I services are being provided or which has designated the school district as a whole as a project area in accordance with Section 116a.20(d) of the Federal Regulations.

Local educational agencies are required to maintain records, in auditable form, of all pertinent data related to comparability. These records shall include: (1) active enrollment data for children in all schools; (2) numbers and total salaries for all instructional staff and portions of salaries due to longevity; and, (3) documentation of the exclusion (if any) of enrollment, staff, staff salaries, and other instructional expenditures for programs designed for non-English-speaking children, for handicapped children, and for children in any state and/or locally-funded compensatory education program. Such records and worksheets demonstrating the maintenance of comparability for the entire school year shall be filed, indexed, and maintained in such a manner that they will be readily available for review by federal, state, and local officials and shall be maintained in accordance with applicable record retention requirements. All such records and worksheets shall be made available for review by the general public in accordance with provisions of Section 116.45 of the Federal Regulations.

Objectives for Instructional Activities

Activities supported with Title I funds shall be directly related to objectives described below. The appropriateness of the proposed instructional activities shall be judged in terms of the documented needs of the specifically identified, educationally deprived children residing in eligible attendance areas.

Funded activities must be effective and efficient means to:

develop skills, knowledge, and attitudes in preschool children that will result in increased competence of identified educationally deprived children;

develop reading, vocabulary, and oral and written communication skills of identified educationally deprived children;

develop mathematical skills of identified educationally deprived children; and,

develop appropriate educational activities designed to meet specialized needs of mentally or physically handicapped children.

Approvable Activities and Services

Within identified eligible attendance areas, funds shall provide for instructional activities and supportive services to those eligible children who are identified as the most severely educationally deprived:

1. prekindergarten (for children who will be eligible to attend kindergarten the following year);

2. kindergarten (for children who will be eligible to attend the first grade the following year);

3. basic skill areas (for children in elementary, middle, and secondary grades); and,

4. special activities for handicapped children.

Supportive services, including food, transportation, and library (summer only), may be approved for activities which involve identified educationally deprived children.

Other services which can be directly related to the attainment of the objectives of the instructional activities included in a project proposal and which are not a duplication of services already provided with state or local funds or through other

federal, state, regional, county, community, or volunteer agencies may be considered under amply justified conditions.

A local educational agency may provide services to children residing in eligible Title I attendance areas beginning at an age one year below the age at which all children are provided educational opportunities up to their 21st birthdays. In order for children to participate in an activity, they must not have completed their secondary education. If youth are participating in a Title I project on their 21st birthdays, they may continue to participate in the activity until the end of the project before becoming ineligible for services.

Teaching Staff

The staffing pattern should be appropriate for the activities and services to be provided.

The ratio of project staff to the number of children to be served should be high enough to provide concentrated, individualized services.

Teachers shall be certified in areas of instruction to which they have been assigned in accordance with State Board of Education policy. When selecting Title I staff members, priority should be given to teachers who have a record of successful teaching experience, who relate well to participating pupils, and who are competent in teaching the assigned subject areas at the assigned grade levels. Projects funded under Title I should be an integral part of the total school program.

Special recruitment efforts may be necessary in order to ensure adequate staffing to achieve the objectives of compensatory education.

Auxiliary Staff

Auxiliary personnel may be approved in a Title I project at a ratio of one to each professional person approved in the project application; however, some individualized programs may warrant a greater than one to one ratio and may be considered for approval if properly justified. Duties of the auxiliary personnel shall be consistent with those duties described in the approved Title I project and shall be limited to assisting in instructional activities performed by Title I-paid teachers or state and/or locally-paid teachers performing instructional duties directly related to implementing the Title I project. Auxiliary personnel shall not be considered as professional teachers, shall not be counted in any pupil-teacher ratios, nor be assigned classes of their own.

Duties of Staff

The local educational agency shall assign the Title I-paid staff to perform only duties directly related to project activities. Title I-paid staff shall be excluded from those noninstructional duties which would have to be performed if there were no Title I project: hall duty, lunchroom duty, homeroom duty, playground supervision, study hall, etc. Staff paid with Title I funds may, however, be assigned instructional duties during the time state and/or locally-funded staff are performing noninstructional duties, if such instructional duties are approved in the Title I project.

Relationship of Title I Projects to Other Programs

Each application for a grant under Title I of the Act shall demonstrate that consideration has been given to the suggestions, offers, benefits, and resources of public and private agencies which would contribute toward meeting the special needs of educationally deprived children. It should include evidence that interested public and private agencies had sufficient time to make meaningful suggestions and offers.

The simultaneous use of funds under Title I of the Act and of funds under other federal programs to support discrete portions of a particular project is permissible if (1) the requirements of each program, considered separately, are satisfied with respect to the portion of the project which is being financed from such program; (2) there is no commingling of funds derived from one appropriation with funds derived from another appropriation; and, (3) there is no transfer of funds derived from an appropriation to the use of an activity not appropriate under the law authorizing such appropriation.

An activity set forth in a project application that meets all the requirements of Title I of the Act may be funded from state and local monies to the extent that such funds are available for specific services included in the project.

Class Size

A Title I-funded activity, if it is to give reasonable promise of substantial progress, must be concentrated on a limited number of children.

The local educational agency shall design and plan its project activities to meet the following requirements with respect to pupil-teacher ratios:

1. A prekindergarten activity shall involve no more than 17 pupils per Title I teacher during any instructional session.

2. A kindergarten activity funded with state, local, and/or Title I funds shall involve an enrollment of no more than 25 pupils per teacher during any instructional session.

3. A basic skills activity shall involve no more than 20 pupils per teacher per instructional session.

Method of Instruction

Title I instructional activities shall employ special methods of instruction specifically designed to meet the special needs of the participating educationally deprived students. These methods should be remedial, corrective, or developmental. Innovation is encouraged.

Individualized educational plans agreed upon jointly by the local educational agency, a parent or guardian, and the child when feasible, are encouraged.

Suggested Models for Scheduling Title I Participants

A local educational agency may use one or more of the following suggested models for scheduling children in Title I-funded activities.

Pull-Out Model

Title I-funded supplementary instruction may be provided to small groups of specifically identified, educationally deprived children who have been taken from their regular instructional program for a reasonable length of time (e.g., 30 minutes of specialized instruction in reading).

Title I participants receiving instruction under this model must be active participants in the same activity supported with state and/or local funds.

Mainstream Model

Title I-funded supplementary instruction may be provided to small groups of specifically identified, educationally deprived children while they remain in their regular classroom settings. They would be provided supplementary instructional services by a Title I-paid teacher who moves from classroom to classroom on a regularly scheduled basis serving children for a reasonable length of time (e.g., 30 minutes of specialized instruction in mathematics).

Laboratory Model

Title I-funded supplementary instruction may be provided to specifically identified, educationally deprived children who are taken from their regular classroom setting to a laboratory (e.g., specialized instruction in mathematics).

A state and/or locally-paid teacher and a Title I-paid teacher would cooperatively provide instruction for those children.

The number of children instructed through the combined effort of both teachers shall not exceed twice the number allowed per

instructional period for a Title I-paid teacher. This model can be adapted easily in schools which have achievement groupings.

Team Model

Title I-funded supplementary instruction may be provided to specifically identified, educationally deprived children by a state and/or locally-paid teacher and a Title I-paid teacher using a team approach.

The number of children scheduled using this model shall not exceed twice the number allowed per instructional period for a Title I-paid teacher.

The team model may be modified in such a way that the state and/or locally-paid teacher and a Title I-paid teacher may be located in separate classrooms providing different types of instructional activities to the same group of children (e.g., specialized instruction in reading).

Diversified Instruction in the Content Areas Model

Title I-funded supplementary instruction may be provided to specifically identified, educationally deprived children by a Title I-paid teacher in a school where the basic skills are taught through content areas.

The Title I participant under this model must be an active participant in the same content area activity supported with state and/or local funds.

Combination Model

Title I-funded supplementary instruction may be provided to specifically identified, educationally deprived children by a teacher paid partially from state and/or local funds and partially from Title I funds (e.g., 50 percent state and local, and 50 percent Title I) to provide all of the instruction in an activity (e.g., reading activity).

Conceptually, the first part of the period is supported by state and/or local funds, and the second part of the period is supported by Title I funds.

A local educational agency must adhere to all Title I regulations relative to eligibility of participants, class size, the maintenance of state and local effort for supplies, materials, and equipment, and non-Title I related duties. The models utilizing state and/or locally-paid teachers in connection with the Title I project must provide services for Title I participants only.

Regardless of the funding sources for paying the teachers providing the instruction, the progress of all children scheduled, using any one of the models, must be evaluated in accordance with

the plans and procedures approved in the application.

The Title I funds may be used to extend and expand the state kindergarten program provided federal and state requirements are met.

The extent to which Title I funds may be utilized for kindergarten activities may vary from year to year based on the state allotment and the criteria for selecting children to be served as provided by state legislation.

Records

The local educational agency shall maintain adequate records relative to participating children. Records pertaining to children participating in Title I-funded activities and those eligible to participate shall include data as to how participants were selected and their degrees of educational deprivation. These lists shall be maintained by each teacher for the children in her class, by each principal for the participants in his school, and by the central office for the participants in the system.

Copies of the evaluation of each activity for the preceding fiscal year shall be maintained. Evidence relating to how the evaluation affected changes in the current year's activities shall be available for review by interested parties.

Retention of Records

In accordance with Section 434(a) of the General Education Provisions Act, and Section 100a.477 of the General Provisions for Programs, a local educational agency shall maintain all supportive documents, records, and other pertinent information until the expiration of five years after the completion of a Title I project, and/or until any impending audit by the Department of Health, Education and Welfare, or the General Accounting Office has been completed and any questions arising out of such audits have been resolved. Also, all such documents shall be maintained until any financial review or program exception has been resolved.

Supplementing Activities

Any student who receives instructional assistance in a Title I-funded activity shall receive instructional assistance in a similar activity funded with state and/or local funds. The schedule of preschool classes and Title I personnel will have to comply with Title I regulations and state legislation which may vary from year to year.

In-Service Training

The orientation, indoctrination, and development of personnel selected to conduct the Title I activities probably represent the most critical phase of the Title I project. The concentration of the Title I project dictates a need for new approaches in the development of teachers and other personnel.

Methods used in preparing personnel to undertake specific Title I activities and in continued in-service training programs shall be of sufficient scope and depth to have an appreciable impact on the participants and on the Title I project.

The 1974 amendments to Title I require specifically, as a condition for the approval of projects, the presentation of well-developed plans for training programs in which administrators, auxiliary personnel, professional staff, parent advisory council members, and volunteers participate jointly. The developmental program provided for staff members and their assistants must be closely allied to the tasks they will be performing.

A state or locally-paid staff member, who will be providing services solely for the participants in a Title I activity, may be included in the in-service training program designed for the Title I-paid staff. The application must demonstrate how this staff member's services will be directly related to the project effort.

The in-service training must be related directly to the services each person will perform in connection with the project.

Certification and Licensing of Staff

Projects under Title I of Public Law 89-10, as amended, just as any other facet of the school program, are governed by state rules and regulations pertaining to certification of teachers and licensing of auxiliary personnel. The fact that funds for financing Title I projects come from the Federal Government in no way permits a relaxation of established standards in any phase of educational activities.

A local educational agency shall not employ a certified teacher in an auxiliary position and pay a teacher's salary for the services rendered. Additionally, auxiliary personnel shall not be reported on DE Form 038 as a teacher in order to receive teacher's retirement credit.

Program Monitoring

The local educational agency's Title I project activities will be monitored periodically by the state educational agency.

The objectives of monitoring are to assist the local educational agency in conducting the Title I project within the federal and state laws and federal and state regulations, to provide technical assistance, and to identify successful and outstanding project activities about which information will be disseminated through state and national media.

Program Exceptions

If program irregularities are cited during a program review, the local educational agency shall have ten working days in which to correct the irregularities and respond in writing to the area consultant stating the actions taken to correct the irregularities. Should the local educational agency fail to take appropriate action to correct the irregularities within the specified time, the state educational agency shall initiate proceedings to terminate Title I-funding to that agency.

In the event that irregularities of fund expenditures are discovered through state or federal program reviews or audits, the State Superintendent of Schools shall inform the State Board of Education and shall direct the Associate State Superintendent, Office of Instructional Services, to take appropriate action to recover the improperly expended money. If the local educational agency fails to make appropriate arrangements for such refund, the irregularly expended money shall be recovered in accordance with Section 32-669a of Georgia School Law (Revised 1976 Edition).

Evaluation

Specific evaluation procedures appropriate for the services provided and consistent with approved project objectives shall be developed and implemented by the local educational agency.

The local educational agency shall maintain easily understood records on the use of Title I funds indicating not only receipts and disbursements but, also, (1) the amount of time spent on project activities by each child and by each employee, (2) formal and informal evaluations of individual children, and (3) evaluations of the project and of each of its related activities.

The annual Project Evaluation Report for each approved project shall be submitted by the local educational agency to the Coordinator, Federal Evaluation Unit, State Department of Education, in accordance with the directions and deadlines established.

Each project application shall state the procedures and techniques to be used in determining the extent to which the special educational needs of the educationally deprived children are met through the project and through the program of which the project is a part. These procedures and the instruments used shall be based upon performance criteria, be consistent with the objectives of the project, and provide an annual report to the state agency on a before-the-fact and after-the-fact basis including (1) documentation of the educational deficiencies of project children, (2) the educational opportunities made available to them to alleviate their identified educational deficiencies, and (3) their educational achievement resulting from the project.

Since evaluation procedures must involve objective measurements at the start of, during the course of, and at the conclusion of, Title I projects in order to obtain indications of change and of the effectiveness of the use of Title I funds, it is imperative that local educational agencies gather baseline data on children prior to or upon the initiation of Title I projects.

An evaluation of the progress made toward all objectives of the Title I projects and descriptions of the increases in educational opportunities provided by the Title I projects shall be included in the annual evaluation report of the local educational agency. The types of objective measurement used by local educational agencies shall give particular regard to the kinds of educational and supportive services provided, participation of public and nonpublic school children, the number of categories of staff employed, the nature and extent of in-service training provided, and the nature and extent of Parent Advisory Councils' activities. The annual evaluation report shall include a summary of the results of objective measurements of changes in the educational attainment of children who participate in the project and the results of any research or studies conducted in connection with the Title I project. The evaluation of projects shall be consistent with the nature and extent of participation of children enrolled in nonpublic schools.

Dissemination of Information to Local Educational Agency Personnel and to the Public

All project applications shall include a description of the plans and procedures for reviewing, selecting, and disseminating significant information about the projects to teachers, administrators, parents, and other persons or agencies interested in compensatory education. The information shall include the latest educational developments and experiments used in project planning, operation, and evaluation. This information and all other reports (excluding information relating to the performance of identified children and staff) shall be made available to members of local educational agency governing boards, administrators, staff members, community advisory groups, and the general public. Dissemination plans shall include provisions for the reproduction of printed information free of charge or at a reasonable cost, or provisions whereby persons requesting such information will be given a reasonable and practical opportunity to arrange for reproducing the requested information.

Program Coordinator

The local educational agency may employ a Title I coordinator commensurate with the duties and responsibilities of the position.

There are no unusual state or federal requirements relative to qualifications of Title I coordinators; however, it is expected that they will have training and experience appropriate to their responsibilities. They must hold valid professional certificates.

Much of the coordinator's time should be devoted to the supervision of the project operation and assisting the staff with their day-to-day instructional duties. The coordinator should constantly monitor the project operation to assure that the stated objectives are being met and that the project is being operated as approved.

A coordinator whose salary is paid in full with Title I funds may not perform any duties other than those related to the Title I project application.

Employment and Compensation

Persons employed with Title I funds shall be those necessary for the satisfactory operation of the project and approved in the application. It is important that the services of such persons be coordinated with the services of other personnel.

The local educational agency shall employ only those people in administration necessary to implement the project. Personnel employed on a full-time basis with Title I funds shall work full-time in Title I activities. If personnel are to have duties other than Title I, their salary and time must be prorated. A daily time log shall be maintained for personnel whose time is prorated.

Salaries for all personnel shall be in line with federal, state, and local policies in effect during the period covered by the project.

Salaries paid to personnel working in Title I projects shall be comparable to those paid other employees in the local educational agency or in the local community for similar responsibilities.

Superintendents may not receive any remuneration from Title I funds.

Bonuses paid for staff employed under Title I will not be approved.

Salary expenses that would have been incurred even if the local educational agency were not participating in the program are not allowable expenditures. This applies to administrative and/or supervisory personnel such as superintendents, directors of instruction, supervisors of instruction in regular curriculum areas, principals, supervisors of pupil personnel services, councelors, supervisors of plant operation and maintenance, equipment repairmen, transportation supervisors, food service supervisors, health service supervisors, etc.

The salaries of auxiliary personnel shall not be below the minimum prescribed by State Board of Education policy. The local educational agency may work out an appropriate, graduated pay scale for these staff members based upon training and experience.

Sick leave for personnel employed with Title I funds shall be governed by the same policies as for personnel employed with state and local funds. Title I may pay into the local educational agency "sick leave account" the same amount per Title I teacher the state allows for state-paid teachers. When the total sick leave fund of a local educational agency has been exhausted, Title I may contribute the same prorata shares for Title I teachers as the local educational agency contributes for state-paid teachers.

Teachers' retirement, social security, workman's compensation, etc., for persons employed with Title I funds shall be handled in the same manner as for personnel employed with state and local funds. Title I funds may be used to pay the employer's part of teachers' retirement, workman's compensation and social security. All requirements of the State Teachers' Retirement System, Workman's Compensation and Social Security Agency shall be met.

Administrative and Supervisory Costs

A local educational agency shall design its project so that administrative and supervisory costs, properly justified, will not exceed ten percent of the total budget. Allowable administrative expenditures will be budgeted in the 4800 and 5200 series. Instructional supervisors will be budgeted in the 4600 series. See the Georgia Accounting Handbook for Local School Systems, Chapter 44, for classification descriptions and Chapters 21 and 56, for revised codes.

Right to Read

Title I funds shall not be used to pay the salaries of Right to Read personnel.

Local Educational Agency Property Control

The local educational agency shall maintain control over the use of Title I funds. Title to, and administrative control over, property acquired with Title I funds consistent with Sections 100b.212, 100b.215, 100b.216, and 100b.217 of the General Provisions Regulations shall be vested in the local educational agency. The incidental use of such property may be permitted for other related compensatory activities only on a very limited basis and only so long as such use does not interfere with the carrying out of a Title I project.

Each local educational agency shall, in connection with the keeping of a record of all equipment purchased with funds under Title I of the Act, maintain a continuing inventory of each item, regardless of cost, until it has been disposed of with permission of the state educational agency or until accountability to the U. S. Government has been waived. A continuing inventory shall be maintained of all equipment, regardless of cost, temporarily located on private premises for use in projects involving children in private schools and in institutions for the handicapped, neglected and delinquent children.

Equipment inventories shall be on file in the administrative office and in the office of the principal of each participating school. The equipment cards shall show the following:

1. item
2. serial number
3. Title I identification number
4. initial cost
5. acquisition date
6. percentage of cost paid from Title I funds
7. vendor or source
8. location, use, and condition of equipment
9. disposition data (e.g., stolen, traded in, sold, worn out, etc.).

Inventories of equipment shall be submitted to the appropriate Title I area consultant at least once every two years and differences from prior records reconciled.

All equipment purchased with Title I funds shall be labeled with proper identification so as to readily distinguish it from equipment purchased with other funds.

Disposition of Equipment and Property

When equipment or property purchased with Title I funds is no longer needed to fulfill the intent of the grant, such equipment or property shall be disposed of in accordance with Sections 100b.209 through Section 100b.220 of the Federal Register dated November 6, 1973.

Maintenance and Operation

Maintenance and operating money may be budgeted for Title I activities where the activities are conducted in separate facilities.

Utilities may be included in the project expenditure if the activity is in a separate facility with a separate meter for each utility.

In a school where there is a concentration of Title I professional personnel occupying classrooms which would not otherwise be in use, custodial services may be included at the rate of one custodian to eight full-time Title I teachers or a major fraction thereof, as recommended in Standards for Public Schools in Georgia.

Project Application

The application for a regular-term project shall be submitted to the Title I area consultant in substantially approvable form by May 1. The application for a summer-term project shall be submitted to the area consultant in substantially approvable form by March 1. Alternative dates may be determined, when deemed necessary, by the Division of Early Childhood and Special Education.

The original and three copies of the project application, along with all supportive pages, shall be submitted to the area consultant. Carbon copies will not be accepted in project applications and in other reports. The original copy of the application will be forwarded to the state educational agency and become the official copy.

Project Amendments

All amendments, other than technical amendments (those designed to correct typographical and nonsubstantive aspects of the project) for regular-term and summer-term projects, shall be submitted to the Title I area consultant by May 1. Each amendment requires: (1) a letter of explanation and justification for the requested change signed by the superintendent or other authorized representative, (2) a new page one of the application, and (3) replacement of all pages of the application affected by the proposed change.

Equipment

Only the equipment necessary for the successful implementation and operation of the project shall be approved for purchase with Title I funds. Any request for Title I funds for equipment shall be justified fully. (This means that equipment has been selected and designated for specific purposes to carry out an approved project activity and is essential to the

effective implementation of the project.) Consideration shall be given to equipment already on hand in the Title I inventory and in the local educational agency's regular inventory. The local educational agency must have staff who can effectively utilize the equipment or arrange for adequate in-service staff training. The cost of equipment is a factor that shall be considered by the state educational agency in the approval process. In any event, only the minimum amount of equipment necessary to implement the project may be purchased. All orders for equipment to be purchased with Title I funds shall be placed sufficiently early in order that the equipment will be available for effective use in the project. Equipment may be purchased under a Title I project amendment under the following conditions: (1) if the local educational agency's estimated allocation is not sufficient for equipment requests to be made in the original project proposal, (2) if there has been theft or destruction of equipment essential to the necessary operation of the project, (3) if equipment deteriorates or is vandalized beyond repair, and (4) if there is a request for an additional or extended activity which would increase the staff and/or the number of children to be served.

Equipment purchased for prior Title I projects that is no longer being used in Title I activities shall not be repaired with Title I funds.

Supplies and Materials

Only those supplies and materials necessary for the successful operation of a current Title I project shall be purchased with Title I funds. Supplies and materials may be furnished only to children who are actually participating in an approved Title I instructional activity and must be related to eliminating the educational deprivation of the participants. Orders for materials and supplies for regular- and summer-term projects should be placed so as to insure availability to students during the operation of the activity. Stockpiling of supplies and materials is not permissible. The local educational agency shall maintain adequate controls which will assure that only those students actively participating in an approved Title I activity will be the recipients of materials and supplies purchased with Title I funds.

A local educational agency may request funds for instructional supplies and materials, properly justified, not to exceed $15 per pupil per instructional activity. Requests for funds in excess of $15 per pupil per instructional activity will be considered if the local educational agency presents an itemized list of all supplies and materials requested, giving per unit costs and an explanation of the need for the items listed.

A local educational agency may request funds for instructional supplies and materials, properly justified, for established Title I-funded kindergarten units not to exceed $25 per pupil.

Requests for funds in excess of $25 per pupil will be considered if the local educational agency provides additional information as requested in the preceding paragraph. No request will be considered if it exceeds $35 per pupil.

Cooperative Educational Service Agency

A local educational agency may contract with a cooperative educational service agency (CESA) for supplementary services for Title I-funded activities (e.g., for in-service training of professional staff and aides and for project evaluation).

Local educational agencies may contract with CESAs for in-service training of Title I teachers, Title I evaluation, and certain supportive services for Title I activities with Title I money; however, the money included in such an agreement must be in addition to the basic assessment for the CESA unit.

Construction

The construction of school facilities for the regular school program is not the purpose of Title I. Only in extreme cases will construction be related to the special educational needs of educationally deprived children. It is more closely related to the general educational needs of all children.

Before Title I construction may be approved, a local educational agency must demonstrate that all other resources have been exhausted, including the possibility of renting space which is the first preference. All grants made by the State Department of Education for capital outlay purposes must be only for projects recommended by approved comprehensive studies. Title I money represents a source of funds which shall not be approved for capital outlay purposes unless recommended by approved comprehensive studies.

Reports by Local Educational Agencies

A local educational agency shall provide assurance that it will render to the state educational agency an annual report and such other reports containing information, including the results of objective measures of educational achievement and project effectiveness, and of research and studies, as may be reasonably necessary to enable the state educational agency to perform its duties under Title I of the Act. In the case of reports relating to performance, the information supplied shall have been developed in accordance with specific criteria related to project objectives.

Mergers and Consolidations

When there is a merger or consolidation of local educational agencies, the surviving agency or agencies shall receive appropriate shares of the Title I allocation and shall be

responsible for previously approved projects and for property and equipment purchased with Title I funds.

In the event that a local educational agency's district is diminished or divided during a school term, the state educational agency shall redetermine the grants by using the same method used for making the original grants.

Complaints Procedure

Title I, ESEA Rules and Regulations, Section 116.6(b) and Section 116.7(b), require the state educational agency to establish procedures for investigating complaints alleging violations of Title I or of the regulations for that Title.

Local educational agencies should also have definite procedures for handling complaints of parents, other individuals, or organizations alleging violations.

Complaints must be taken first to the local educational agency. They must include the names and addresses of the persons or organization initiating the complaint and a complete description of the alleged violation.

If the matter is not resolved at the local educational agency's level, the decision of the local educational agency may be appealed to the state educational agency. The appeal will be addressed to the Associate State Superintendent of Schools, Office of Instructional Services. It shall include a copy of the original complaint with the unresolved item(s) clearly identified.

The local educational agency will be required to provide the Associate State Superintendent with a copy of its findings, responses, and decisions relative to the complaint.

The Associate State Superintendent will review the unresolved issue(s) and initiate such further investigation as he may deem necessary, including the opportunity for presentation of evidence by the complainant and response by the local educational agency. If he decides a more formal hearing is appropriate, he may serve as the hearing officer or secure another person to serve in that capacity. Not more than five interested parties to the issue(s) may appear on behalf of either the complainant(s) or the local educational agency at any state educational agency-sponsored hearing.

The Associate State Superintendent will make a decision regarding corrective action, if any, to be taken, and will notify the complainant and the local educational agency of his decision. His decision may be appealed, within a 15-day period, by either party to the State Superintendent of Schools. An appeal of the State Superintendent's decision, within a 15-day period, may be made to the State Board of Education whose decision shall be final.

If, at the end of 60 days from receipt by the state educational agency of the complaint, the issue(s) has not been finally resolved, the state educational agency will file an interim report with the U. S. Commissioner of Education setting forth the substance of the complaint and a statement of the status of the investigation.

When a final disposition of the issue(s) has been made, it will be included in a report to the U. S. Commissioner of Education together with the name of the complainant, a description of the alleged violation, and a summary of the findings.

Appeals and Hearings Procedure

A local educational agency that feels aggrieved by a decision made by the state educational agency may appeal such decision and receive a hearing before the state educational agency's Title I Appeals and Hearings Committee by officially notifying the State Superintendent of Schools, in writing, that an appeal is being made and a hearing requested. The State Superintendent of Schools shall, within a 30-day period from the date of receipt of the request for a hearing from the local educational agency, designate a place and time for the hearing. The Title I Appeals and Hearings Committee shall be composed of the Associate State Superintendent of Schools for Instructional Services; the Director of the Division of Early Childhood and Special Education; the Director of Title I, ESEA; the Assistant Director of Title I, ESEA; and the appropriate Title I Area Consultant. A notice, in writing, of the decision on the hearing shall be provided the local educational agency within 10 days after the hearing has been concluded.

When a local educational agency wishes to appeal a decision of the Appeals and Hearings Committee, it shall notify the State Superintendent of Schools of its intention within 15 days. The State Board of Education shall serve as the hearings panel. The appeal must be received by the State Superintendent of Schools at least 10 days prior to the scheduled hearing date. The State Board of Education shall render its decision at the hearing or within 10 days thereafter. If the State Board of Education decides not to reverse the decision of the Appeals and Hearings Committee, it shall give notice of the decision to the applicant agency in writing, stating its reasons and indicating the right to appeal further to the U. S. Commissioner of Education within 20 days of the receipt of the notice, as set forth in Section 425 of the General Education Provision Act.

Any expenses incurred during the appeal process must be paid from local funds.

Provisions for Additional State Rules, Regulations, and Procedures

The State Board of Education shall establish such additional rules, regulations, and procedures, not inconsistent with the provisions of the Act, as may be reasonably necessary to insure the proper and effective implementation of the Act.